

REMARKS

This Amendment is in response to the Office Action of July 30, 2002. Applicant respectfully submits that all the claims presently on file are in condition for allowance, which action is earnestly solicited.

THE CLAIMS

REJECTION UNDER 325 USC 103

Claims 1 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. Applicant respectfully traverses this rejection and submits that the claims on file are not obvious in view of Lang et al. and are patentable thereover. In support of this position, Applicant submits the following arguments:

A. Legal Standards for Obviousness

The following are court opinions set the general standards in support of Applicant's position of non obviousness, with emphasis added for added clarity:

- **"Obviousness cannot be established** by combining the teachings of the prior art to produce the claimed invention, **absent some teaching or suggestion** supporting the combination." *In re Fine*, 837 F.2d at 1075, 5 USPQ2d at 1598 (citing *ACS Hosp. Sys. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)). **What a reference teaches** and whether it teaches toward or **away from the claimed invention** are questions of fact. See *Raytheon Co. v. Roper Corp.*, 724 F.2d 951, 960-61, 220 USPQ 592, 599-600 (Fed. Cir. 1983), cert. denied, 469 U.S. 835, 83 L. Ed. 2d 69, 105 S. Ct. 127 (1984). "
- "When a rejection depends on a combination of prior art references, there must be **some teaching, suggestion, or motivation** to combine the references. See *In re Geiger*, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987)."
- "With respect to core factual findings in a determination of patentability, however, the **Board cannot simply reach conclusions based on its own understanding**

or experience -- or on its assessment of what would be basic knowledge or common sense. **Rather, the Board must point to some concrete evidence in the record** in support of these findings." See *In re Zurko*, 258 F.3d 1379 (Fed. Cir. 2001).

- "We have noted that **evidence of a suggestion, teaching, or motivation to combine** may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved, see *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996), *Para-Ordinance Mfg. v. SGS Imports Intern., Inc.*, 73 F.3d 1085, 1088, 37 USPQ2d 1237, 1240 (Fed. Cir. 1995), although "the suggestion more often comes from the teachings of the pertinent references," *Rouffet*, 149 F.3d at 1355, 47 USPQ2d at 1456. The range of sources available, however, does not diminish the requirement for actual evidence. That is, **the showing must be clear and particular**. See, e.g., *C.R. Bard*, 157 F.3d at 1352, 48 USPQ2d at 1232. **Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence."** E.g., *McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993) ("Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact."); *In re Sichert*, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977)." See *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999).
- "To prevent the use of hindsight based on the invention to defeat patentability of the invention, **this court requires the examiner to show a motivation to combine the references** that create the case of obviousness. In other words, **the examiner must show reasons** that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references **for combination in the manner claimed**." See *In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998).

B. Brief Summary of the Present Invention

Prior to presenting substantive arguments in favor of the allowability of the claims on file, it might be desirable to summarize the present invention.

As indicated by the title, the present invention relates to a system and method for integrating on-line user ratings of businesses with search engines," and addresses the problem facing current search engines that "use a variety of criteria to order matches to the user query and to rank the search results with higher quality pages listed at the

top of the search list. Assessing quality involves both accurately matching the user query and identifying a useful, current web page. For instance, search engines may order the matches based on what is referred to herein as "static criteria". Exemplary static criteria are the highest popularity, most recently updated, most visited, most queried, or most interconnected. It is common for users to limit the review of their search to only the first few matches of the search list." (Reference is made to page 2, line 17 through page 3, line 4 of the specification.)

The present invention also aims at providing an "adequate mechanism by which searches of business sites can be ordered based upon interactive criteria about the businesses themselves, correlating higher quality search matches to higher business satisfaction ratings. For example, popularity, is a commonly used static criterion which is determined by the number of visits or queries of business sites, and which may depend on advertising, strategic business alliances, or creative naming of a site, and is therefore independent of customers satisfaction with the ranked businesses. Therefore, there is still an unsatisfied need for a system and method that integrate user provided interactive criteria, such as customers and on-line users' satisfaction, with search engine results." Reference is made to page 3, lines 12-20 of the specification. Exemplary on-line sources include questionnaires and other on-line surveys obtained through other web based rating services. The business ratings assess the quality of the businesses in terms of "interactive" criteria such as customer satisfaction, professionalism, and cost and ease of use of products or services. (Reference is made to page 4, lines 6-9 of the specification.)

The business rating system integrates the ratings with the search results, and ranks and presents the integrated search results to the user based on such ratings. In this manner, the user of a search engine receives feedback from other users and/or customers about businesses of interest. (Reference is made to page 4, lines 12-14 of the specification). In a preferred embodiment, the users complete and submit on-line surveys that are integrated with the search engine results. The information provided by

the users is recorded and evaluated for the purpose of ranking the businesses. The ratings are made available to future users of the search engines. In another embodiment, in addition to a numerical rating system, the current on-line users may include descriptive annotations regarding customer satisfaction to be read by future users. In this manner, qualitative as well as quantitative feedback may be provided by the current users and examined by future users. (Reference is made to page 5, lines 5-12 of the specification.)

In use, the on-line ranking system receives users' on-line surveys or feedback, and generates ranking data for storage in the on-line ranking repository. The user profile history enables the user to update or override the rating previously provided by this user but not the ratings provided by other users. (Reference is made to page 10, lines 12-14 of the specification). The cumulative rating computation can be weighted based upon other ratings a particular user may have provided. Reference is made to page 15, lines 2-3 of the specification).

C. Lang et al. Patent

The office action states that the Lang et al. patent ("Lang") discloses an on-line ranking system for receiving rating data compiled from an on-line source based on interactive criteria that include feedback from users about businesses of interest to a particular user, (col. 5, lines 51-col. 6, lines 4, col. 24, lines 63-col. 25, lines 5, and col. 7, lines 47-62).

The office action further states that "Lang does not clearly disclose, "wherein the rating data correlates higher quality matches to higher business satisfaction rating"; however, Lang shows the operation of conventional search engines at portal web sites, user queries are searched on demand to find relevant informons across the web. Content-based filtering is typically used in measuring the relevancy of informons, and the search results are presented in the form of a list informons ranked by relevancy,

(col. 23, lines 23-38 and col. 16, lines 48-col. 17, lines 10). Therefore, it would been obvious to one of ordinary skill in the art at the time the invention was made to employ the rating data correlates higher quality matches to higher business satisfaction rating in Lang so it satisfies the user's information need."

D. Claim 1 and its Dependent Claims 2-8.

Applicant will now present arguments in support of the allowance of independent claim 1 and the claims dependent thereon, over Lang. Claim 1 recites the following elements that are not described in Lang:

"

"1. A system for use with a search engine to rank search results, comprising:
an on-line ranking system for receiving any of users' on-line surveys or
feedback about businesses;

**the on-line ranking system generating rating data from the any of the
users' on-line surveys or feedback;**

**wherein the rating data correlates higher quality search matches to higher
business satisfaction ratings;** and

wherein the on-line ranking system **indexes the rating data;**
an on-line ranking repository for storing the rating data indexed by the on-line
ranking system; and

a result sorter for **sorting query results** generated by the search engine,
based on the rating data from the on-line ranking repository, and for generating
ranked matches." (Emphasis added).

As stated by the examiner, Lang does not generate rating data that correlates higher quality matches to higher business satisfaction rating. As a result, Lang cannot generate rating data that correlates higher quality matches to higher business satisfaction rating, nor can it index rating data that correlates higher quality matches to higher business satisfaction rating, nor can it sort the query results based on the rating data that correlates higher quality matches to higher business satisfaction rating.

Applicant respectfully submits that listing the search results by relevancy, as reasoned in the office action, is known. However, the present invention teaches sorting

the query results based on the rating data that correlates higher quality matches to higher business satisfaction rating, which is not equivalent to relevancy.

The office action in essence, substitutes “higher business satisfaction ratings” with “relevancy.” Such substitution is not warranted in that though, at some stage the query results could be sorted according to their relevancy to the query, the present invention goes a step farther and explains that the query results (whether or not they have been sorted according to their relevancy) are now sorted based on the rating data that correlates higher quality matches to higher business satisfaction rating. To summarize, relevancy and higher business satisfaction ratings are not the same criteria, and need to be distinguished.

In addition, applicant respectfully submits that Lang does not present evidence of a suggestion, teaching, or motivation to combine the various elements of claim 1.

To conclude, independent claim 1 is allowable over Lang, and thus claim 1 and the claims dependent thereon (claims 2 - 8) are allowable, and such allowance is respectfully requested.

E. Claims 9 - 24

Independent claims 9 and 17 are allowable for similar reasons as presented earlier in favor of allowance of claim 1, since claims 9 and 17 contain substantially similar elements and limitations as in claim 1. As a result, the independent claims 9 and 17 and the claims dependent thereon (claims 10 - 16, and 18 - 24) are allowable, and such allowance is respectfully requested.

F.Telephone Interview

Applicant thanks Examiner Tan Nguyen and Primary Examiner Kindred Alford for conducting a telephone interview with the undersigned attorney of record, on September 17, 2002. During this interview, claim 1 was discussed in view of the prior art, but no agreement was reached.

Applicant respectfully requests another telephone interview to discuss the claims on file in view of the present amendment.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

THE CLAIMS

Claims 1, 6, 7, 9, 14,15, and 17 have been amended, as follows:

1. (Replacement) A system for use with a search engine to rank search results, comprising:

an on-line ranking system for receiving any of users' on-line surveys or feedback [rating data compiled from an on-line source based on interactive criteria that include feedback from users] about businesses [of interest to a particular user];

the on-line ranking system generating rating data from the any of the users' on-line surveys or feedback;

wherein the rating data correlates higher quality search matches to higher business satisfaction ratings; and

wherein the on-line ranking system indexes the rating data;

an on-line ranking repository for storing the rating data indexed by the on-line ranking system; and

a result sorter for sorting query results generated by the search engine, based on the rating data from the on-line ranking repository, and for generating ranked matches.

6. (Replacement) The system according to claim 1, wherein the any of the users' on-line surveys or feedback include [on-line source includes an on-line feedback with] annotations.

7. (Replacement) The system according to claim 1, wherein the any of the users' on-line surveys or feedback include [on-line source includes] any one or more of a questionnaire, a survey, or a web based rating service.

9. (Replacement) A computer program product for use with a search engine to rank search results, comprising:

an on-line ranking system for receiving any of users' on-line surveys or feedback [rating data compiled from an on-line source based on interactive criteria that include feedback from users] about businesses [of interest to a particular user];

the on-line ranking system generating rating data from the any of the users' on-line surveys or feedback;

wherein the rating data correlates higher quality search matches to higher business satisfaction ratings; and

wherein the on-line ranking system indexes the rating data;

an on-line ranking repository for storing the rating data indexed by the on-line ranking system; and

a result sorter for sorting query results generated by the search engine, based on the rating data from the on-line ranking repository, and for generating ranked matches.

14. (Replacement) The computer program product according to claim 9, wherein the any of the users' on-line surveys or feedback include [on-line source includes] an on-line feedback with annotations.

15. (Replacement) The computer program product according to claim 9, wherein the any of the users' on-line surveys or feedback include [on-line source includes] any one or more of a questionnaire, a survey, or a web based rating service.

17. (Replacement) A method for use with a search engine to rank search results, comprising:

receiving any of users' on-line surveys or feedback [rating data compiled from an on-line source based on interactive criteria that include feedback from users] about businesses [of interest to a particular user];

generating rating data from the any of the users' on-line surveys or feedback;

wherein the rating data correlates [correlating] higher quality search matches to higher business satisfaction ratings;

indexing the rating data by means of an on-line ranking system;

storing the rating data indexed by the on-line ranking system, in an on-line ranking repository; and

sorting query results generated by the search engine, based on the rating data from the on-line ranking repository, and for generating ranked matches.

CONCLUSION

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

Respectfully submitted,



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